

of papers known as the Federalist Papers that argued for our Constitution: "A militia when properly formed are in fact the people themselves. To preserve liberty, it is essential that the whole body of the people always possess arms and be taught alike, especially when young, how to use them."

In fact, when one examines the First and Third through the 10th original amendments, it is difficult to interpret any other meaning than that they apply to individuals. The Second Amendment is no exception. The Supreme Court has always agreed.

The famous 14th Amendment, during Reconstruction after Black Americans were freed from slavery—you know, that famous amendment that is the most referred to—guarantees equal protection under the law for all American citizens. It started out, and most Americans are not aware of this, as a Second and Fourth Amendment issue.

The Southern Democratic Party lawmakers were nullifying individual liberty with their State Black Code laws which deprived Black Americans of their right to liberty, property, and to keep and bear arms as they attempted to defend their homes. Republicans fought back against these lawmakers and then led the fight to pass legislation addressing the issue in 1868. Democratic President Andrew Johnson vetoed the bill. Congress overrode it and then secured their rights forever in the 14th Amendment to the Constitution.

In fact, the Supreme Court has determined with clarity that the constitutional individual right of Americans to bear arms is guaranteed on Federal enclaves such as Washington, D.C., with the *Heller v. District of Columbia* decision. In *McDonald v. Chicago*, the Supreme Court in 2010 held that the individual right extends to keeping and bearing arms to all States and territorial jurisdictions.

Okay. Fine, you say. But there is no reason why people need military-style firearms. Those need to be banned. The Framers of the Constitution and the Supreme Court, strangely, to those who would have this way of thinking, would disagree.

In 1939, *United States v. Miller*, Justice Holmes speaking for the Court in the case where one Mr. MILLER asserted he had a constitutional right to bear a sawed-off shotgun without paying a special exemption tax of \$200, the Supreme Court held that no such right existed on the grounds that sawed-off shotguns of the very short length Mr. MILLER possessed were not suitable as a military-type firearm if needed for common defense—a paraphrase, not a quote.

1997, *Printz v. United States*, Justice Clarence Thomas, our most recent treatment of the Second Amendment prior to the late Supreme Court decisions, stated that they reversed the District of Columbia's invalidation of the National Firearms Act enacted in 1934. In *Miller*, we determined the Second Amendment did not guarantee a

citizen's right to possess a sawed-off shotgun because the weapon had not been shown to be of "ordinary military equipment" that could "contribute to the common defense."

Ban military rifles you say? Throughout our history, they have been guaranteed as an essential portion of the defense of our liberty, our homes, and our lives.

What about the terrorist watch list? Nobody on the terrorist watch list ought to be able to own a firearm. The terrorist watch list is only on suspicion—no court, no rule of law, no jury of your peers. It is on suspicion for surveillance, and it can be done bureaucratically and administratively. In fact, we have had several Members of Congress, such as my colleague from Alaska, DON YOUNG, who was falsely and inadvertently put on the terrorist watch list. Under this line of thinking, his Second Amendment rights would be removed.

Well, we can't have these terrorists coming here and then being able to buy a firearm. They can't. People do not understand 18 U.S. Code. They don't understand the law. If you are a non-resident legal alien, you cannot possess, purchase, or receive a firearm. It is the law. There are only very small rare exceptions for that, such as if you were approved for a specialized hunting trip or maybe you were armed security for a head of state, for example.

Well, what about that gun show loophole? Businesses shouldn't be able to sell firearms without a background check. News flash: You cannot sell a firearm under a business license without a background check. If you do so, whether you are on your property or off your property at a gun show, you are committing a felony and with strict sentencing laws often that are minimum sentences of 10 years or more.

Well, what about Internet sales? You can go online and you can just order a rifle, and they will ship it to your home—again, false. People do not understand the law.

The United States Postal Service and our commercial carriers do not allow shipping of firearms except under licensed dealers. The only exception to that would be if you had an original manufacturer's warranty and you ship it directly back to the manufacturer under their license, and they will receive it and send it only directly back.

As the only Member of Congress who owns a firearms manufacturing business, I know about what I speak. If someone in another State were to try to order a firearm off of our Web site, it would never get shipped to their home or I would go to prison. Instead, we tell that person: You need to get the local firearms licensee in your area to send a certified copy of your license to us, and they are in a form where we can recognize what is a real license. When we receive that, we will ship it to him, they will do the check, and you will fill out forms and you can receive

your firearm. That is the way the law works.

So all of this outrage from my colleagues on the liberal left of trying to fix things, the law already exists. It is like saying that we need to do something about murder. We need to make some laws to stop murder. Maybe they will quit doing that. Oh, we already have those laws, and people still commit crime.

Therein is where we need to focus. Target the abusers, not the law-abiding American citizen, and do not target the Republic of the most incredible constitutional form of law the world has ever known.

Serious people decline to trivialize any right expressly addressed in the Bill of Rights. A government that abrogates any of the Bill of Rights with or without majority approval forever acts illegitimately and loses the moral right to govern the Republic. This is the uncompromising understanding reflected in the warning that America's gun owners will not go gently into these utopian woods.

While liberals and gun control advocates will take such a statement as evidence of their belief in the backwater, violent, and untrustworthy nature of the armed American citizens, we gun owners hope that liberals hold equally strong conviction about their printing presses, their Internet blogs, and their television cameras. The Republic depends upon the fervent devotion to all of our fundamental rights. That is the oath that we take, and no President's tears will ever shake us from the defense of that Constitution.

Mr. Speaker, I yield back my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RUSH (at the request of Ms. PELOSI) for today on account of attending to family member's medical procedure.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3762. An act to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016.

ADJOURNMENT

Mr. RUSSELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 27 minutes p.m.), the House adjourned until tomorrow, Friday, January 8, 2016, at 9 a.m.